



26 February 2013

The Honorable Simon Crean, MP.  
Minister for the Arts,  
P.O.Box 6022, House of Representatives,  
Canberra, ACT, 2600.

By email: [simon.crean@pmc.gov.au](mailto:simon.crean@pmc.gov.au)

Dear Minister,

**Re: The introduction of a mandatory Indigenous Art Code**

The Arts Law Centre of Australia ("Arts Law") was a participant in the national consultation process which culminated in the introduction of the Indigenous Australian Art Code of Commercial Conduct ("Art Code") and a passionate supporter of its introduction in November 2010. After more than two years as a voluntary code, we understand the Federal Government is now considering whether to make the Art Code mandatory. Arts Law strenuously supports the implementation of a mandatory code.

Arts Law is a not for profit community legal centre that provides services to more than 5000 artists and arts organisations each year. Through our specialist Indigenous service, Artists in the Black, we also provide advice to Indigenous artists and Indigenous arts organizations throughout Australia. In 2012, we spent about three months on-country advising and educating Indigenous artists in remote parts of Western Australia, Queensland, the Northern Territory and South Australia. We provided direct legal advice and educational services to more than 1,200 indigenous artists and art workers. Arts Law Centre is accordingly well placed to comment on how the Art Code impacts on Indigenous artists.

The Senate Inquiry that led to the adoption of the Art Code identified widespread exploitation within the Aboriginal arts industry. The adoption of the Art Code has been a positive step, but because it is only voluntary, those businesses and individuals who are most egregious in their dealings with Indigenous artists are not bound by the Art Code's standards and continue with their unethical behaviour. Arts Law believes some Indigenous artists are still being paid too little for their paintings, some are enticed to paint with offers of alcohol and others do not understand the terms of the binding contracts imposed upon them. Consequently, Indigenous artists are still vulnerable to exploitation and hampered in achieving sustainable economic benefit from their artwork.

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The Art Code has actively tried to spread the message about maintaining high standards of behaviour when dealing with Indigenous artists. However, when only the ethical volunteer to adopt its standards, the impact it can have is limited. Without the ability to engage in extensive public education, a lot of dealers and gallery owners are still unaware of the existence of the Art Code. If the Art Code were mandatory, the onus would not be on the Art Code to promote itself. It would be on dealers and galleries to inform themselves about what is required in these situations. It would also mean there would finally be an enforcement mechanism for Indigenous artists who have been exploited by unscrupulous people.

Arts Law strongly believes a mandatory Art Code should be introduced. A vibrant Aboriginal arts industry not only contributes to economic benefits within Australia's Aboriginal community, it also contributes to Australia's international image within the tourism market (where our rich Indigenous culture is one of Australia's selling points), to the enrichment of the country's creative and artistic culture as a whole and to our place on the world stage as a country actively promoting the human rights standards of the Declaration of the Rights of Indigenous Peoples.

Please do not hesitate to contact us if you wish to discuss this further.

Kind Regards

**Robyn Ayres**  
**Executive Director**